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c 412 Vaccination Act

Ontario

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CHAPTER 412

The Vaccination Act

1. The trustees, governors, directors or other officers or persons having at any time the control and management of any hospital or dispensary receiving aid from the public funds of Ontario shall keep at all times in such hospital or dispensary an adequate supply of vaccine matter,

Duty of trustees, etc., of hospitals, etc., to keep vaccine matter

- (a) for the vaccination, by a legally qualified medical practitioner attached to such hospital or dispensary, at the expense of the same, of all poor persons and, at their own expense, of all other persons, who attend at such hospital or dispensary for that purpose, during one day in every week, the fee to be charged for the vaccination not in any case to exceed 50 cents, and to be used and applied for the benefit of the hospital or dispensary;
- (b) for furnishing, on application, to every legally qualified medical practitioner, such reasonable quantities of vaccine matter as he from time to time requires;
- (c) for furnishing, on application, to a superintendent within the meaning of the *Indian Act* (Canada) such reasonable quantities of vaccine matter as he may from time to time require for the use and benefit of any settlement of Indians. R.S.O. 1950, c. 406, s. 1, amended.

for vaccination at hospital

for furnishing practitioners

for use of Indians R.S.C. 1952, c. 149

2. No warrant shall issue for the payment of any money granted by the Legislature to any hospital or dispensary unless a certificate has been filed in the office of the Clerk of the Executive Council, signed by a medical officer of such hospital or dispensary, to the effect that there is actually on hand therein a supply of vaccine matter that is believed to be sufficient for the purposes mentioned in section 1 from the date of the certificate, or setting forth reasons in explanation of any deficiency in the supply to the satisfaction of the Lieutenant Governor in Council, or unless a certificate so signed has been filed to the effect that at no time since the date of the then last certificate has the demand upon such hospital or dispensary for vaccine matter for such purposes exceeded the supply in hand in such hospital or dispensary, or setting forth reasons in explanation of any deficiency in

Non-payment of grant where non-compliance

the supply, to the satisfaction of the Lieutenant Governor in Council. R.S.O. 1950, c. 406, s. 2.

Annual
statement
respecting
vaccination
to be laid
before
Assembly

3. The trustees, governors, directors or other officers or persons having for the time being the control and management of any hospital or dispensary to which aid has been granted during any session of the Legislature shall cause to be transmitted to the Provincial Secretary, in time for copies thereof to be laid before the Assembly during the first fifteen days of the then next session, a statement certified by the proper officers of such hospital or dispensary showing the number of persons who have applied for and received free vaccination, the number of persons who have applied for and received vaccination at their own expense, and the number, amount and application of fees charged and received for vaccination. R.S.O. 1950, c. 406, s. 3.

Employ-
ment by
municipalities of
medical
practitioners
to vaccinate
residents

4.—(1) The corporation of every city, town, township and village shall contract with one or more legally qualified medical practitioners, for the period of one year, and so from year to year as such contract expires, for the vaccination, at the expense of the corporation, of all poor persons and, at their own expense, of all other persons resident in such municipality who come to such medical practitioners for that purpose.

Remunera-
tion to
depend on
success

(2) It shall be a condition of every such contract that the amount of the remuneration to be received under the contract will depend on the number of persons who, not having been previously successfully vaccinated, are successfully vaccinated by such medical practitioners. R.S.O. 1950, c. 406, s. 4.

Powers of
local board
of health in
default of
municipality

5.—(1) If the corporation neglects to make such contract and such neglect continues for one month after the attention of the council has been called in writing by the local board of health to such neglect, and to the powers which, in case of such neglect, it may exercise under the authority of this Act, the local board may contract with the medical officer of health of the municipality, or other legally qualified medical practitioner, to perform all the duties that may be performed by or are incumbent upon a medical practitioner under this Act if appointed or contracted with by the corporation under section 4, and the corporation is liable to the medical practitioner for the fees for vaccination or for duties performed to the extent provided for by this Act as if the contract had been made by or with the corporation.

Local board
to appoint
place and
give notice

(2) The local board of health may, unless the council has already done so, appoint the places and give the notice where

and when such vaccination will be performed, as is required by section 6 to be done by the council. R.S.O. 1950, c. 406, s. 5.

6. The council of every city and town shall appoint a convenient place in each ward, and the council of every township and village shall appoint a convenient place therein, for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each ward or within the township or village due notice of the days, hours and place at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days, hours and place at which such medical practitioner will attend to inspect the progress of such vaccination in the persons so vaccinated. R.S.O. 1950, c. 406, s. 6.

Municipalities to appoint convenient places for performance of vaccination

7.—(1) The father and mother of every child born in such city, town, township or village shall, at some appointed time within three months after the birth of the child, or, in the event of the death, illness, absence or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall, at some appointed time within four months after the birth of the child, take or cause to be taken the child to the medical practitioner in attendance at the appointed place, according to the provisions of the preceding sections, for the purpose of being vaccinated, unless the child has been previously vaccinated by a legally qualified medical practitioner and the vaccination has been duly certified, and the medical practitioner so appointed shall thereupon, or as soon after as it can conveniently and properly be done, vaccinate the child.

Parents, etc., bound to take children to be vaccinated

(2) On the eighth day following the day on which any child has been so vaccinated, the father or mother, or other person having the care, nurture or custody of the child, shall again take or cause to be taken the child to the medical practitioner by whom the operation was performed, or the other medical practitioner in attendance, in order that he may ascertain by inspection the result of the operation.

To exhibit them to the medical practitioner on eighth day

(3) Immediately after the successful vaccination of a child born in any city, town, township or village, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the child, a certificate under his hand (Form 1) that the child has been successfully vaccinated, and shall transmit a duplicate of the certificate to the clerk of the municipality in which the operation was performed.

Certificate of successful vaccination to be given

What to be
evidence

(4) Such certificate shall, without further proof, be admissible as evidence of the successful vaccination of the child in any information or complaint brought against the father or mother, or the person who had the care, nurture or custody of the child, for non-compliance with the provisions of this Act.

Certificate
where child
found unfit
for vacci-
nation

(5) If the medical practitioner is of opinion that a child brought to him is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of the child, or the person having the care, nurture or custody of the child, on demand and without fee, a certificate under his hand (Form 2) that the child is in an unfit state for successful vaccination.

How long to
be in force

(6) Such certificate or a similar certificate of a legally qualified medical practitioner shall remain in force for two months from its delivery, and the father or mother, or the person having the care, nurture or custody of the child, unless within each succeeding period of two months a renewal of such certificate has been obtained from a legally qualified medical practitioner, shall, within two months after the delivery of the certificate, and, if the child is not vaccinated by the termination of such period, then during each succeeding period of two months until the child has been successfully vaccinated, take or cause to be taken to the medical practitioner so appointed the child to be vaccinated by him.

Vaccination
and
certificate
thereof

(7) If the medical practitioner deems the child to be then in a fit and proper state for successful vaccination, he shall forthwith vaccinate the child and shall immediately after the successful vaccination of the child deliver to the father or mother, or the person having the care, nurture or custody of the child, a certificate under his hand (Form 1) that the child has been successfully vaccinated.

Certificate
of unfitness
for vaccina-
tion on
re-examina-
tion

(8) If the medical practitioner is of opinion that the child is still in an unfit state for successful vaccination, he shall again deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand (Form 2) that the child is still in an unfit state for successful vaccination, and the medical practitioner, so long as the child remains in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother, or to the person having the care, nurture or custody of the child, a fresh certificate under his hand (Form 2).

Effect of
certificate

(9) The production of such certificate or a similar certificate from a legally qualified medical practitioner is a sufficient defence against any complaint brought against the father or

mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

(10) If a medical practitioner employed under this Act, or any other duly qualified medical practitioner, is of opinion that any child vaccinated by him is insusceptible of the vaccine disease, he shall deliver to the father or mother, or to the person having the care, nurture or custody of the child, a certificate under his hand (Form 3) and the production of the certificate is a sufficient defence against any complaint that may be brought against the father or mother, or person having the care, nurture or custody of the child, for non-compliance with the provisions of this Act.

(11) This section also applies to all children over the age of three months who become resident in a municipality, and such children shall, for the purposes of this section, be considered as children born in the municipality at the date on which they became resident within it. R.S.O. 1950, c. 406, s. 7.

8. In all contracts made under this Act, the sums contracted to be paid shall not be more than 25 cents for each person successfully vaccinated, including all or any of the certificates required by this Act. R.S.O. 1950, c. 406, s. 8.

9. Every father or mother or person having the care, nurture or custody of a child who does not cause the child to be vaccinated within the periods prescribed by this Act or who does not, on the eighth day after the vaccination has been performed, take or cause to be taken the child for inspection according to this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5. R.S.O. 1950, c. 406, s. 9.

10.—(1) After the expiration of two months from the conviction of any person for an offence against this Act in respect of any child, no plea of such conviction is a sufficient defence against any complaint that may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child.

(2) The production of a certificate (Form 1 or 3) under the hand of a legally qualified medical practitioner is a sufficient defence against such complaint, but the production of a certificate (Form 2) is not a sufficient defence unless the vaccination is thereby postponed to a day subsequent to that on which the complaint is brought. R.S.O. 1950, c. 406, s. 10.

11.—(1) In every municipality where smallpox exists or in which the Department of Health or local board of health

has notified the council that in its opinion there is danger of its breaking out owing to the facility of communication with infected localities, the council of the municipality shall order the vaccination or re-vaccination of all persons resident in the municipality who have not been vaccinated within seven years, and that such vaccination or re-vaccination shall be carried out in so far as the same may be applicable in the same manner as the vaccination of children, except that a person of fourteen years of age or over, but under the age of twenty-one years, who is not in the custody or under the control of his father or mother or of any other person, and every person of twenty-one years or over, shall present himself for vaccination by the medical practitioner, or by some other legally qualified medical practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of every such person as he is required to take with regard to children.

Proclamation by head of municipality

(2) A proclamation issued by the head of the municipality, and published in posters and in at least one newspaper published within the municipality or, if there is no such newspaper, in at least one newspaper published in the county or district in which such municipality is situate, warning the public that this section is in force, is sufficient evidence to justify the conviction of any person who has failed to comply with the law within a period of seven days from the publication of the proclamation.

Offence for neglect by member of municipality

(3) Every member of a municipal council that neglects or refuses to make the order required by subsection 1 or to make proper provision for carrying the order into effect is guilty of an offence and on summary conviction is liable to a fine of not more than \$25, unless he proves that he did everything in his power to secure the making of the order or the making of proper provision for carrying any such order into effect and causes his protest against such refusal or neglect to be recorded in the proceedings of the council.

By head of municipality

(4) If the head of a municipality neglects or refuses to issue and publish the proclamation required by subsection 2, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$25.

Offence for neglect to obey order of council

(5) Every person who wilfully neglects or refuses to obey the order of the council is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1950, c. 406, s. 11.

Vaccination of pupils and students

12.—(1) Where it is deemed necessary by the medical officer of health of any municipality, owing to the presence or threatened presence of smallpox, he may, with the approval

of the local board of health, require certificates of successful vaccination or of insusceptibility on re-vaccination within seven years of all pupils or students of a public, separate, continuation or high school or collegiate institute, and of a college or university, or of any other public or private institution of learning, within the municipality, to be presented to the proper authorities of the institution, and no pupil or student refusing to produce such certificate on demand shall be admitted to further attendance in the institution until the certificate is furnished.

(2) Every principal, teacher, superintendent or officer of any such institution who commits or is party or privy to any contravention of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$20. R.S.O. 1950, c. 406, s. 12.

13. Every person who by inoculation with or by wilful exposure to variolous matter or by any matter, article or thing impregnated with variolous matter, or wilfully by any other means produces or attempts to produce the disease of smallpox in any person, is guilty of an offence and on summary conviction is liable to imprisonment for a term of not more than one year. R.S.O. 1950, c. 406, s. 13.

14. If a legally qualified medical practitioner is convicted of an offence against section 13, his name shall be erased from the register of the College of Physicians and Surgeons of Ontario, but the medical council at any time after the expiration of the term of imprisonment of any such person may restore his name to the register. R.S.O. 1950, c. 406, s. 14.

FORM 1

(Sections 7 and 10)

CERTIFICATE OF VACCINATION

I, the undersigned, a legally qualified medical practitioner, hereby certify that....., the child of....., aged....., of.....Ward, in the City of.....(or as the case may be), has been successfully vaccinated by me.

Dated this.....day of....., 19.....

FORM 2

(Sections 7 and 10)

CERTIFICATE OF UNFITNESS FOR VACCINATION

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that....., the child of....., of.....Ward, in the City of.....(*or as the case may be*), aged....., is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the.....day of....., 19......

Dated this.....day of....., 19......

R.S.O. 1950, c. 406, Form 2.

FORM 3

(Sections 7 and 10)

CERTIFICATE OF INSUSCEPTIBILITY TO VACCINE DISEASE

I, the undersigned, a legally qualified medical practitioner, hereby certify that I am of opinion that....., the child of....., of.....Ward, in the City of.....(*or as the case may be*), is insusceptible of the vaccine disease.

Dated this.....day of....., 19......

R.S.O. 1950, c. 406, Form 3.